III

ḤARAM AND ḤAWṬAH, THE SACRED ENCLAVE IN ARABIA

Over the last ten years my conviction has grown steadily that most western writers on the Prophet Muḥammad have had little real understanding of the circumstances into which he was born, tending to regard Muḥammad as free to detach himself, at least in some degree, from his Arabian environment, and even to initiate, though what they consider novel in his religion they incline to ascribe to Jewish and Christian influence. There is the tendency always, to compare him with Jesus, as his figure, at any rate, is represented in thoseGospels considered canonical. The question has even been asked — was Muḥammad sincere — a question absurdly out of context. Nor can it be said that the approach of Muslim writers is always more realistic. Of latter years my views have begun to crystallise as a result of the partial synchronisation of my field research with classical texts, and consideration of the results of the researches of scholars into the pre-Islāmic inscriptions, vital for the study of the rise of Islām, though I have had to content myself largely to accepting what others have written. Through essaying the interpretation of the content and language of the ancient Arabic texts in accordance with existing Arabia that has not yet undergone any major social change it is becoming possible to offer some tentative re-assessments and a fresh approach to the unsolved problem of the origins of Islām. This article embodies views at an interim stage of my researches, subject to modification.

In pre-oil Arabia, indigenous institutions and fundamental patterns of social behaviour have hardly changed from the earliest historic times. There is, in general, the ever-recurrent pattern of centralisation of a great number of component societies into an organised state, the dissolution of that state, followed by the resumption by the constituent communities of their independent entities — which indeed they never really lost in the centralised state. This is often regarded as the relapse from order into anarchy. There seems to exist an unending conflict between the secular organisation of tribal groups and the theocratic nuclei of the professional men of religion, (the latter professions of course, hereditary like all else in Arabia), but sometimes, perhaps even frequently the two interact to work together. Complementary is the factor of the fairly rigidly patterned customary law, basically the same all over Arabia. In areas as far apart as Kuwait and Ḥaḍramawt, it is known as Tāghūt. It is significant that Tawāghīt are described in the *Sīrah* of Ibn Hishām as temples (buyūt)

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venerated like the Ka'bah and circumambulated, with priests, *etc.*, like the Ka'bah itself. I incline therefore to the theory that Tāghūt before Islām, may have included the senses of law and custom in just the same way as "Dīn" means law. Again, Arabian customary law of the present time is fundamentally one with that ancient law of Arabia of which we catch glimpses in the pre-Islāmic inscriptions, and from which the sharī'ah is also descended. From reading the Koran and *Sīrah* it becomes clear that Muḥammad hardly made any innovations, and terms like sālifah 'ādah, sunnah, the law of Abraham, are opposed in ancient and modern times to words like bid'ah innovation, bādī, and their like. Add to the above the rigid stratification of ancient and even modern Arabia — which I hold to be in part maintained by the application of the law of kafā'ah, making it impossible, or nearly so, for a woman to marry a man below her in social standing.

In ancient Arabia and in contemporary South Arabia, the social stratification has, as its top layer, the armed tribes who consider themselves as a sort of chivalry; they may be camel-owning desert tribes, or tribesmen living in villages settled, who fight on foot, as in South Arabia. These tribesmen of chivalry may even be a minority of the population of Arabia. Subjected to the tribes are the merchant element, the artisans, and the peasants, all of whom are considered ḍa'īf as opposed to sharīf, a definition you may find in the Ḥadīth and the *Sīrah*, and who come under some form of protection for which they have to pay the tribesman. Slaves form a separate class, chattels, yet more influential than the peasant.

In Southern Arabia the religious element is represented in the noble families of Sharīfs, Saiyids, and Mashāyikh. In a published lecture[1] I have tried to convey some impression of the organisation and function of this religious aristocracy, and accept the overwhelming evidence of the Muslim view that Muḥammad was a member of the religious aristocratic family of Mecca.

In all classes each social group is based on the family, has its own organisation and discipline, and seeks to the best of its powers, to maintain its position and interests, vis-à-vis the other groups.

Normally each tribal unit will be at war, at truce, or even in a state of alliance with other tribal units — all these relations strictly governed by customary law. Inevitably occasions arise when tribes must meet on common ground in physical security, to come to market, to arrange for truce or the payment of blood-money, and for religion. As the tribesman constantly requires some greater authority than his own which he trusts, to preside over tribal arbitrations, and to impose, even, some sanctions

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with supernatural authority to enforce the observance of security on these occasions, he has to turn to the holy family which derives its authority from the divinity, perhaps through the medium of a prophet or saint. Closely associated with the holy family is the institution known in ancient Arabia as the ḥaram, and in contemporary South Arabia as the ḥawṭah — the sacred enclave — both obviously ancient terms, and, it will be remarked, both containing the radical ḥā', like the interdicted pastures, ḥimā and maḥjar. The primitive form or ancestor of all these institutions may, I think, be the type of ḥawṭah which Thesiger[2] records at Mughshin, north-east of Ẓufār on the edge of the Arabian sands. Thesiger recounts that, on several occasions, he was warned not to cut trees in these ḥawṭahs, to ignore the prohibition meaning to incur misfortune, and in this particular ḥawṭah the killing of hares was forbidden also. Thesiger, oddly enough, seems not to have noticed the numerous ḥawṭahs within Ḥaḍramawt itself, although he remarks on the similarity of ḥawṭahs to the ḥarams of the Hejaz, which, of course, Landberg had already pointed out some sixty years ago.

To accept the oft-repeated pattern of events described in the Arabic hagiologies, the way in which a ḥawṭah, a sacred enclave, comes to be created is that a member of a holy family will declare a certain piece of land a ḥawṭah. Perhaps in rare cases the founder might be a man of piety, not of a holy family, and conversely I recall the Ṣubaiḥīs telling me of a shrine where a man of holy family had been killed deliberately so that he would stay for ever with them. The founder has the ḥawṭah boundaries demarcated by white-washed cairns; it will usually be sited at a locality where people tend to come together; several ḥawṭahs for example that I have visited, lie at the junction of a number of wādīs. The hagiologies, though conveying the impression that a religious personage (let me call him a saint, for convenience), took the initiative in founding a ḥawṭah, without the consent of the tribes he clearly could not act. The hagiologies in effect of course are a species of propaganda of the religious aristocracy, and pronouncedly anti-tribal. I recall, moreover, reading somewhere of a saint who founded a ḥawṭah, but the tribes would not observe its sanctity, so it was abandoned. The essential principle is that security under God's law is established and the saint recognised as his representative by the tribes, in administrative control. It might even be that amongst the ignorant the distinction between the original saintly founder of the ḥawṭah and the divinity is vague.

Security once assured, merchants, peasants, and others settle in the ḥawṭah; it often becomes a market like Ḥawṭat al-Faqīh ʿAlī in Wāḥidī country, and any infringement or violation of its sanctity brings condign

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punishment. All show it great respect (iḥtirām), and just as people arriving at the Medinan ḥaram used to lead in their animals, so at Ḥawṭat al-Faqīh ʿAlī we dismounted from our camels at the point of entry and came in on foot. Outside the ḥawṭah we fired a salute, called taʿshīrah, and so also for fear of Medina, though before it became a ḥaram, people entering used to utter a cry which Samhūdī compares to the braying of an ass — Arabic yuʿashshir. In cases known to me the founder of the ḥawṭah, and later, his descendants, taxes the inhabitants of the ḥawṭah with the Khums, but he also derives an income from waqf lands outside the sacred enclave where a proprietor has made bequest of the tenth furrow in his fields as a nidhr or votive offering. The original founder of the ḥawṭah, in the natural course of events, dies, but remains forever Lord of the ḥawṭah, a dome is set up over his tomb. and one of his descendants is elected — elected mark you — to fill his office, with the title of Manṣab or Manṣūb. This last word — which is reported as Manṣib by some authorities — I propose to see as equivalent to the classical Arabic word manṣib, a place or thing to which a person is referred as his source, said by the lexica to be synonym of marjiʿ. Now in the tribal areas of South Arabia a marjiʿ or maradd is a person, a sulṭān, headman, or the like, who is an authority on tribal law. We learn from the so-called "Constitution of Medīna" that in the case of a tribal dispute then Allāh and Muḥammad are the maradd. There are certain passages in the Koran which I think, whether they employ the term marjiʿ or maradd, could be understood in the same sense.

It occurs sometimes that for reasons obscure to me, the saint's descendants do not actually live in the ḥawṭah, and a comparatively humble person takes charge of the shrine, known as Khādim al-walī, an office which becomes hereditary, and the family thereby acquires some status. The office of manṣab is then, at the one time, both elective and hereditary, and in the J.R.A.S.[3] I have already published a short account of the election of a Manṣab of the Mashāyikh, in which all classes appear to have some say. If one recalls the situation in Medina after Muḥammad's death, neither of his two first successors was a member of a holy family, whereas the third, ʿUthmān, belonged to the holy family of Mecca, as did ʿAlī. Though the two latter Caliphs belonged to very different branches of that family, my theory is that, at least down to the emergence of the ʿAbbāsids, there was no universal feeling among Arab Muslims that Muḥammad's legitimate successor, as distinguished from interim caretakers as it were, such as the first two Caliphs, should be taken from any specific branch of the family.[4] However I do not wish to develop my views on this issue in this place, but I propound my theory by way of analogy with the pattern of elections to Manṣabates.

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At the time the ḥawṭah is established the surrounding tribes guarantee it, in documents preserved by the Manṣab —I have been fortunate enough to have the opportunity of making selections from two groups of documents pertaining to two important Ḥaḍramī ḥawṭahs. Those of the Ḥaddād Saiyids of Tarīm whose ḥawṭah is called al-Ḥāwī, show guarantees of the inviolability of the ḥawṭah made by sulṭān after sulṭān — for the sulṭāns are only really tribal chiefs. They guarantee exemption from customsduties, and even exemptions from certain categories of taxation for persons under the Manṣab's protection though living outside the ḥawṭah.

Fear of the supernatural plays a strong part in the privileges wrung from the tribes and their rulers for the ḥawṭah — the hagiologies cite many an example of a sulṭān or governor who tried to infringe on its rights, or to tax it, only to suffer swift retaliation from the saint of the place. Even animals, innocently straying and eating of the pasture of the ḥawṭah, have sometimes suffered from the wrath of the departed saint at the violation of his property. The privileges of the Lord of the ḥawṭah seem to be known as "jāh", and when a shaikh of the Bā ʿAbbād, probably a Manṣab, intervened to stop the palms of his fuqarā' from being cut by the tribes, their chief said to him, "You have no 'jāh' here, your 'jāh' only begins at Kuḥlān, (a mountain in the wādī Ḥaḍramawt)."

Once when discussing with a Saiyid of the Mawla 'l-Dawīlah family, the ḥawṭah of this saint I noticed he referred to the tribes supporting the ḥawtah of Mawla 'l-Dawīlah as "Anṣār Mawla 'l-Dawīlah", exactly the same term as applied to the tribal supporters of Muḥammad in Medina. The following account I have extracted verbatim from my field notes.

'The aḥbāṭ is land surrounding the ḥawṭah, occupied by sundry tribes who make agreements (wuthūr) with the Manṣab to respect and venerate the ḥawṭah. They agree also that if there is any quarrel between them they will go and submit the matter to his judgement — (perhaps I should say arbitration here). When a ḥawṭah is well organised, the various tribes of the aḥbāṭ are bound to the Manṣab by wuthūr to assist him against those tribes who do not abide by their agreements with him, and to help him to use the threat of force to execute a judgement. If the Manṣab's spiritual power over them is not strong the tribes are inclined to go their own way, but if he has great ascendancy over them they obey him."

It is interesting to see how this tallies with the engagement into which the Āl Shamlān tribes of the Tamīm entered in 1922 with the Manṣab of the Thibī ḥawṭah near Tarīm, of which the following is the gist. It was agreed with their Ḥabīb, Manṣab, and Paragon, the Ḥabīb Aḥmad bin Ḥusain al-'Aidarūs,[5] that anything untoward that occurs (yaḥduth) in

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the recognised ḥawṭah at Thibī, according to its boundaries and deeds, and the undertakings of its people (i.e. the tribes) concerning it, is linked to their honour, (i.e., is an infringement of their guarantes of protection of the ḥawṭah), and is bound up with their undertaking to assist the one against the other, and against whomsoever it be, who commits an evil action in the ḥawṭah, and against any person who *initiates* any offence against Saiyid, Miskīn (ie. artisan and peasant), or tribesman. The Manṣab will take action against the offender — each offence carrying its due expiation, and every case its appropriate settlement.

The document continues that if the offender pays the due penalties in such a ways as to satisfy the Manṣab — then well and good ! If however he does not, then the whole tribe of Āl Shamlān will take action against the offender to bring him out of his disgrace — making a strong judgement against him on such a way as to fully satisfy honour, and cleanse the tribe (of the black shame put upon them by the infringement of their guarantee of the ḥawṭah's inviolability), according to the way of those white of face (i.e. honourable). The text stipulates further that nobody may absolve himself from the undertakings of the agreement unless he is done an injury within the ḥawṭah which the Manṣab takes no steps to have remedied.

An old or a recent resident in the ḥawṭah is a protected person, neither entitled to commit an offence, nor may an offence be committed against him; but should any trouble arise between him and a tribe he must leave the ḥawṭah, and any warlike actions must be carried on outside it. The Manṣab is not to show preference for any particular group or person, and the Āl Shamlān on their part undertake to do all that will "adorn the Lord of the place, and preserve the ḥawṭah and its inviolability." The agreement concludes with an oath taken by the tribes — the oath by God, his Book, and their shaikh, the 'Aidarūs Saiyid (i.e. the Manṣab), to observe the afore-going stipulations.

Murder in the ḥawṭah is the gravest of offences. In the event of a murder outside the ḥawṭah, the procedure is relatively simple, and the Manṣab could probably declare a truce to allow the parties to come and settle the affair under his aegis — indeed a general truce is usually declared between the warring tribes on the death of an important Manṣab. In the case of murder within the ḥawṭah however, the Manṣab writes to the chief of the offending clan, and to all the other tribes, placing the responsibility of dealing with the incident upon them. Immediately they summon a tribal conclave, called ḥujrah, and this you may compare with the Meccan 'nadwah'; the offending clan sends the Manṣab a suqṭān,[6] i.e., the present of a sheep or she-camel, and a pledge in earnest of its willingness to proceed to judgement. All the ḥawṭah tribes assemble at

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the Manṣab's house, and the headmen of the guilty clan, or even the Manṣab himself in person, will take the guilty party's dagger, strike his forehead with the hilt, and then slash his brow until it bleeds — this is to demonstrate that the man's honour—his 'wijh' وجه has been shamed. The action is highly symbolic, and it is found in a Minean inscription and in the *Sīrah* where it is called the tajbīh and is accompanied by blackening of the face. The Manṣab now attempts to effect a truce between the two tribes who are at bloodfeud as a result of the murder inside the ḥawṭah. To expiate the guilt of the offence, the guilty tribe must execute one of its own members, not necessarily the actual murderer, or else the other tribes will unite to attack it, remaining at war until they have exacted proper atonement in the way of killings adequate to the heinous crime of violating the sanctity of the sacred enclave.

As any offence against the Manṣab or persons coming under his protection within or without the ḥawṭah — or against the ḥawṭah property, is regarded as infringing on the respect of the Manṣab, the result is that a clever, and it may be an unscrupulous Manṣab, can attain great power by playing off one tribe against another, manipulating them to attain his own ends — though of course a good Manṣab can be of great service to his people. He can even enter into their disputes, interposing his banner between warring tribes to separate them. During times of political anarchy in Ḥaḍramawt some Manṣabs have been able to extend their influence very widely, but any centralisation of the secular power tends to weaken their authority, though not to break it. When I was in Wāḥidī territory in 1947, the Manṣab of Ḥawṭat al-Faqīh 'Alī had become, I imagine, more powerful than the Sulṭān, but I had the interesting experience of seeing this power broken through the support accorded the Sulṭān by the Residency which favoured centralisation of power under secular, i.e. tribal, authority.

There are of course rival ḥawṭahs, and rival Manṣabs. The Manṣab of Thibī even waged a war against the holy city of Tarīm for several years, by instigating the Tamīmī tribes to beseige it, while in the Wādī Daw'an, the 'Amūdī families of Mashāyikh in times gone by seem to have built themselves a little empire. At least one case is known to me where the member of a Saiyid family finding no scope for his politico-religious function in his native place, has moved to some other centre where he has founded a new ḥawṭah.

To turn to Muḥammad and the process by which he became established in Medina, it appears to me that there are here very close parallels with the growth of a ḥawṭah, but I must emphasize that this article is concerned with patterns of action, and not with questions of revelation and inspira-

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tion — however important these may be in another context. If we look closely firstly at the terms upon which he was accepted by the Medina tribes, we find that, stripped of the edifice constructed by Ibn Hishām, and others, over the basic facts, Muḥammad and the Medinan tribes arrived at an agreement only after much hard bargaining. He had already been rejected by the Banū Ḥanīfah, conceivably because they had already declared themselves adherents of the prophet Musailimah who set up a ḥaram amongst them.[7] Muḥammad had been rejected by Thaqīf, possessors also, of a ḥaram. The final agreement with the Medinans however, as quoted in the *Sīrah*, is evidently drawn from a document, and simple though the language appears, it seems to me highly technical — the main issues being obedience to Muḥammad in good and bad (circumstances) (i.e. perhaps war and peace), and in attack against *us*, and not to dispute with people in their own affair.

Muḥammad is himself specifically described in the *Sīrah* as held in honour and protection (man'ah) by his people and town, i.e. Mecca. Again, these terms have no hint of flattery, but are technical and indicate that he belonged to an honourable arms-bearing group. Without such honourable ancestry it is inconceivable to me that tribes could have desired him, and anyway, as already remarked, he also belonged to a holy family.

Now, according to the *Sīrah*, Muḥammad, after his arrival in Medina, wrote a document for the Mu'minūn and the Muslimūn of Quraish and Yathrib. This phraseology is in itself noteworthy since it does not speak of the parties as the Anṣār and Muhājirūn — it is in brief, an agreement between a tribal group, Quraish, or properly part of Quraish, and those described as Mu'minūn and Muslimūn of Yathrib. Further more the so-called "document" is not one document but no less than 8 separate agreements, though one or two of these may be by way of appendixes to the others. Each concludes with an appropriate terminal formula such as Wa-inna 'llāh 'alā abarr hādhihi 'l-ṣaḥīfah. Each of these documents belongs to a different date, though I am uncertain, as yet, whether they are even in chronological order — but if they are, then this will be fundamental towards settling the chronology of the *Sīrah* as a whole.[8] These documents quite clearly reveal the stages of the development of Muḥammad's power, and though unnecessary to consider the chronology here, it is obvious that pieces in which the name Yathrib figures are earlier than those in which its later title al-Madīnah appears, or where we find simply "Muḥammad" without the epithet, "Apostle of God."

The first document of the series then, constitutes the said Mu'minūn and Muslimūn of Quraish and Yathrib an ummah or community. A

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great many theories have been woven about this "ummah" and the growth of the concept of the Muslim community in the mind of the Prophet, to find in it a significance it probably never had. To compare a usage current in South Arabia, a lummīyah means a tribal confederation, a word semantically linked with ummah. Furthermore we have in the inscriptions, for example, the community of 'Athtar[9] — this suggests something very close to Muḥammad's organisation at Medina. There is also the traditional idea that every ummah which believed in its prophet will be resurrected as an ummah by itself, no other mingling with it. In short, I think that the ummah in the sense of a confederation round a religious nucleus was a pattern well established long before Muḥammad.

The opening document of the Medina collection begins with a series of identical clauses which run, "The emigrants of Quraish (or the Banū Sā'idah, or Banū Jusham, or other Medinan tribes), according to their former custom,[10] will give and take blood-money between themselves, and they will ransom their prisoner according to the common custom (ma'rūf) and share (qisṭ) among the believers (Mu'minūn)."

A second proviso makes the group responsible for paying blood-money for a person who becomes a Muslim, but is not attached to any group of Muslims. Yet another clause makes the Mu'minūn muttaqūn (God-fearing believers, though I should like to render this as "guarantors of security, clear of offences against tribal law, especially in the matter of blood — from naqiya to be clean, so used in South Arabia), responsible for taking action against one of their number who commits a crime or causes dissension among the Mu'minūn, even if he be one of them. No Mu'min is to be executed in revenge for a kāfir[11] Other clauses guarantee mutual security, and lay down arrangements for a common peace with an external foe.

The second document in the series extends what is in the first, dealing with the question of murder and blood-money among the Mu'minūn, believers or perhaps guarantors, outlawing the murderer — in Arabic muḥdith, which is actually the same word as that used in parallel contexts in the Thibī documents, written this century. It outlaws the man who protects the murderer, stating that from him will be received neither ṣarf nor 'adl. Now ṣarf is said to have the sense of repentance, and for many reasons I think it is to be identified with the suqṭān or present which the guilty tribe brings to the Manṣab. The 'adl I should like to identify with the pledge in earnest of readiness to procede to judgement, a sense in which the word is used today.

In the one piece in the series that can be dated, that drawn up im-

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mediately before the Quraish assault upon Medina, the Jews of the Aws are associated with the Arab tribal groups in the defence of the town.

For purposes of this article however, the most important document is what I have dubbed no. F., not early in my view, since Muḥammad is called Rasūl Allāh. It says, "Inna Yathrib ḥarām jawfu-hā li-ahl hādhihi 'l-ṣaḥīfah, The centre (or Jawf) of Yathrib is inviolable (sacred) to the people of this sheet." It adds that any dispute between "the people of this sheet" is to be referred (radd) to God and to Muḥammad, the Apostle of God.[13] According to a tradition quoted by Samhūdī, the "taḥrīm al-Madīnah" took place after Muḥammad's return from his successful campaign at Khaibar, i.e. in the year 6 or 7 with the varying chronologies. A tradition classified as weak, maintains that at the time of the declaration Ka'b b. Mālik went out and marked the points of the boundary of the Ḥaram around Medina. Some traditions claim that an area of 12 miles around Medina was turned into a ḥimā or inviolate pasture, but the plain sense of Jawf is given in Ibn al-Athīr's *Nihāyah* as the baṭn al-wādī. To quote Samhūdī again, "God made for his temple (at Mecca) a ḥaram to magnify it, and he made for his Ḥabīb and the noblest of mankind to Him, that area which surrounded his place a ḥaram, the statutes(aḥkām)[14] of which must be observed." Tradition furthermore records specially heavy penalties for killing in the Medinan ḥaram, as in the Meccan ḥaram. Yet two more traditions, quoted by Ibn Ḥanbal, embody significant notions, "Each prophet has a ḥaram, and al-Madīnah is my ḥaram." "Mecca was Abraham's Ḥaram and al-Madīnah is my ḥaram."

The progress revealed by this remarkable series of agreements preserved by Ibn Hishām, is from a confederation presided over by a member of a holy house to regulate procedure — and this is what I understand when the agreements stipulate that any point upon which the Medinan tribes disagree is to be referred to Muḥammad who knows what the law is — to the founding of a ḥaram within which God, for practical purposes Muḥammad, is virtually absolute, surrounded by tribes self-governing but linked to the ḥaram. The ḥaram, as indeed we know from subsequent history, constitutes a nucleus around which may be gathered an indefinite number of tribes. Once more the Arabian solution has been found for centralising the power and control over tribes which will not yield their own sovereignty and independent management of their own affairs. So little is there of religion in this aspect of the situation that I have debated whether it would have even been possible for Jewish armed tribal groups to be linked to the ḥaram. This is the great question, and in the event it did not turn out so, but in 1947 there were Jewish families in the Hawṭat al-Faqīh 'Alī under Arab protection, which by analogy might show that

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it is not impossible for a sacred enclave to protect those of other faiths.

For the Arabian tribes it was not difficult to adhere to this central nucleus. What has been preserved of the Prophet's correspondence demonstrates that they were asked to give up very little, in adhering to the ascendant centralised authority; to take a modern parallel, one might liken their position to that of Arabian tribes not subject to Ibn Sa'ūd, who yet send him a present as a species of political insurance. By Islām, according to al-Azraqī, every claim of privilege, blood, and property was abolished. We have too the tradition, "lā ḥilf fi 'l-Islām, there is no alliance in Islām", i.e. no new alliance between one tribe and another, while perhaps old alliances against third parties also were invalidated by the security within the common allegiance to Allāh and Muḥammad. It was to God and Muḥammad that all inter-tribal disputes had to be referred, disputes which in effect are only serious when they lead to bloodshed,hence the constant harping on this question. At first, no doubt, reference to God really meant a meeting at which Muḥammad presided, but later he had obviously to delegate some of these powers.

Linked to the idea that at Medina it is that blood-disputes are settled, may be the tradition on the epithet "Ṭībah" applied to Medina, which runs, "Inna-hā Ṭībah, tunaffi 'l-dhunūb, It is Ṭībah, driving away crimes." From the root ṭyb in fact do seem to be derived a number of technical senses to do with the making of peace between disputants, some of which have been collected by Gräf,[15] mainly from the Palestinian writer 'Ārif al-'Ārif. I believe too, that the pre-Islāmic Hilf al-Muṭaiyabīn, is properly to be interpreted as a pact made to avoid crimes, along the same lines. Samhūdī does of course offer various interpretations of the name Ṭībah, none very convincing, and I must say here, that the philologists of a later period often seem at a loss to comprehend fully words relating to the technicalities of Arabian life, falling short of their true implications, but that by reference to still existing Arabian usages one can sometimes arrive at a closer interpretation of them.

Muslim sources present a picture of Islāmic law as sanctioned by Muḥammad's practice at Medina, but one has only to read the *Sīrah* and the series of 8 documents of the so-called "Constitution of Medina" to perceive that the already established system of law and custom was Muḥammad's practice. Any new sunnahs he introduced are so limited that they can be described in the brief letters he wrote to the tribes. It might be said that Muḥammad fitted into the system of law and custom into which he was born. So also in more recent times, the Manṣabs of the ḥawṭahs preside over cases settled according to Arabian tribal law. I do not say they would not protest against practices manifestly and

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grossly un-Islāmic, of which quite a few exist in South Arabia, but in general they follow tribal law, and indeed some may not be very well acquainted with the sharī'ah except in its more universally accepted practices. They have, however, agreements containing long lists of penalties for specific crimes and misdemeanours, compiled by the tribal headmen meeting along with the Manṣab, and ratified by them. Closely corresponding lists are preserved in the sharī'ah law books, such as the definition of the several categories of wound, for each of which there is a special computation of damages. This list was sent by Muḥammad to Najrān. The whole episode of the expulsion of the Medinan Jews is an example of how Muḥammad applied the sanctions of tribal law.

From that point where Muḥammad had been successful in obtaining the agreement of his tribes to create a ḥaram which could be protected, the rest of the story of the expansion of his power is not so difficult. It would be a mistake though, to talk of a military conquest of Arabia, especially of the Yemen where there is a most suspicious lack of data on the supposed campaigns. Muḥammad's most obstinate opponents included Musailimah, Lord of a ḥaram, as we have seen, and Thaqīf of Wajj, the ḥaram of which place Muḥammad ultimately recognised, guaranteeing the game of Wajj the same security as that of Mecca and Medina. He was clearly unable to get Thaqīf to concede on the question of the ḥaram, but Arab historians have played this down, and attempt to explain away the ḥaram of Wajj as a ḥimā or protected grazing.

I must turn now to the ḥaram of Mecca, probably only one of many, though all sources concur that it was an important centre [before Islām. Mecca is described in Ṭabarī's *Tafsīr*, for example, as being created a ḥaram secure (āmin) from the punishment of Allāh, and of "tyrants" (jabābirah)]. In the pre-Islāmic inscriptions we find the word maḥram associated with shrines and generally rendered as "temple"; it still survives in the name Maḥram Bilqīs at Ma'rib. The god Dhū Samāwī at Timna', capital of Qatabān, had a maḥram, and one may remark that even its present-day name, Timna', means something like, "it defends", or, "it is inviolable", in allusion, I surmise, to the power of a ḥaram to defend itself. It is clear that at al-Ḥazm in Jawf of the Yemen, the sanctuary of the god Dhū Samāwī was set within a sacred enclave, for the inscription identifying it, refers to a maḥram and mnṣbt, the latter meaning a place of anṣāb or boundary stones of a ḥaram such as we know at Mecca.

The essential authenticity of the picture of the Meccan ḥaram painted by the Arabian sources is then confirmed, both by the inscriptional material and by comparison with the ḥawṭah, not only in respect of the rites of worship, but also as regards its organisation as a social and political

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institution. A central feature of the Meccan temple is the ṭawāf accompanied by the grasping of the four corners of the sacred house, just as I have seen Bedouin at Bin Hūd grasp the corner-posts of the tābūt when performing their ritual visitation there. The veneration of the ḥaram extended to the Anṣāb of the Ka'bah, which is in essence litholatry, and I could of course cite innumerable examples of litholatry in Arabia which I have recorded of the present day. The threat to move the stones of the Ka'bah to the Yemen before Islām, and the Carmathian removal of the Black stone in the 3rd century show how litholatrous ideas have held sway and persisted, but in general when one compares the rites associated with saint-cults in Southern Arabia with the data provided by G. Ryckmans' *Les Réligions Arabes Pré-Islamiques*,[16] one is immediately aware of the unbroken continuity of Arabian religion.

Before Muḥammad's birth, the holy family in charge of the Meccan sanctuary, a family to which Muḥammad himself belonged, had been frequently at variance. Their ancestor Quṣaiy, of whom we might think as the first Manṣab, was the Lord and guardian of the shrine, but in their squabbles, his descendants distinguished various offices, the ḥijābah or guardianship, the watering of the pilgrims, and probably of their animals (siqāyah), the feeding of them (rifādah), and nadwah which is supposed to be the council of Quraish, but both from the evidence of the ancient texts, and by analogy with the present day, I am inclined to think it may have been a meeting-place in a neutral centre where inter-tribal disputes could be discussed. There was, too, the privilege of keeping the banners, the liwā', of which I shall treat shortly. The point I wish to make about these offices is that, quite apart from the sharaf they brought their holders, they were lucrative unquestionably, and the rifādah is actually described as a contribution (kharj) which Quraish used to pay from their own property to Quṣaiy at every pilgrimage (mawsim) so that he could provide food for the pilgrims, and this is exactly what a Manṣab does at his maṭbakh or "kitchen". It is one of the responsibilities of his office, the expenses whereof would be defrayed from the income he receives from the "tenth furrow".

To turn now to the banners of the Ka'bah, it is not extraordinary to learn that all South Arabian saints have their banners, and some have a bairaq, i.e. a pole surmounted by a crescent and provided with little bells. The bairaq may be sent from one saint to another to invite people to the annual ziyārah pilgrimage — by chance I saw the bairaq going along the main motor road to Crater, Aden, when I was last there; it is usually accompanied by a drummer. The bairaq may be sent out to intervene in war, as happened in very recent years on the Aden-Yemenite frontier.

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At the battle of Uḥud, the holy family of the Banū ʿAbd al-Dār, then still unbelievers of course, bore the standard of the Meccan temple with them. Presumably therefore the Meccan temple was giving its sanction to the war against Muḥammad. I am not able to prove this theory, but I cannot believe, in the context, that the presence of the standard did not have a religious significance.

The name ʿAbd al-Dār indicates that the family gave servitors to the Meccan temple; I would compare this family with the Bā ʿAbbād Mashāyikh, the hereditary servitors of the tomb of Hūd in Ḥaḍramawt from antiquity. There is a Ḥaḍramī ʿAbbād who figures occasionally in the *Sīrah*, though we know nothing of his family. Names like ʿAbd al-Saiyid or ʿAbd al-Shaikh are still current in South Arabia, meaning of course, "servant of the Saiyid or Shaikh", a saint departed this world. Before Muḥammad's time the ʿAbd al-Dār had been forced to cede some of their offices to the ʿAbd Manāf branch of the holy family, to which both Muḥammad and the Umaiyads belonged. Such disputes between holy families in Arabia are legion, and I might instance the case of the ʿAmūdī Mashāyikḥ of ʿAmd who venerate a chest of mediaeval books, called khizānah, three branches of the family holding the keys of the chest in rotation. I recall vaguely too, that in Tarīm there was an acute dispute over the Ḥaddād manṣabate at al-Ḥāwī in which the question of the application of the monies of the ḥawṭah was involved, for in any ḥawṭah its revenues go to the Manṣab who disburses them as he wishes, though of course in practice he is fairly strictly bound by convention as to how he does so. To hold these offices in Mecca then, was to hold power, and it was surely not for sentimental reasons, that the Umaiyad Caliph Muʿāwiyah actually bought the Dār al-Nadwah, the Council-House, for one million dirhams from the ʿAbd al-Dār, thus assuming the function of presiding at arbitrations and the setting of disputes, a piece of politico-religious strategy.

As an extension of the influence of the ḥaram or of the ḥawṭah, we may consider the celebrated caravan of Quraish and its summer and winter journey. Turning once more to present-day Southern Arabia, we find that if a Manṣab wishes a tribesman to visit the shrine, or should the tribesman himself desire to do so, the Manṣab will send him a thread or some other emblem of security. Al-Marzūqī reports what appears to be the same custom from the pre-Islāmic period, and I believe this was the usage amongst the Ashrāf of Mecca in mediaeval if not even later times. The tribesman may then walk to the sanctuary protected by it from his foes. Arising from the basic principle that wherever a Manṣab or a member of his family goes, he will not only be secure, but able also

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to extend that security to others, we find that he can accompany caravans to protect them. The mediaeval writer, al-Sharjī, refers in several places to a caravan from Yemen to Mecca known as Qāfilat Ibn 'Ujail, accompanied first by the celebrated Yemeni saint, Ibn 'Ujail, then later by his descendants which had complete inviolability (ḥurmah wāfirah) from attack. No one of the Bedouin of these districts says al-Sharjī, will molest them — nay, if there be a small boy of them in the caravan or one of their slaves, nobody will molest them. They have an effective control (ḥukm nāfidh) over them, and their command is obeyed through the barakah of the shaikh.

My view is that the institution of caravans by Hāshim could only have been achieved through the sanctity of the Meccan Ḥaram and spiritual influence of the family controling it. Al-Marzūqī shows that Quraish only conducted their caravans through the parts of Arabia under control of the Muḍar confederation in this way, and for the rest, they had to pay tolls (khafārah, the modern siyārah). So, if the tribes to which no khafārah tolls were paid were contrasted with those which took khafārah, it might be possible to define the exact limits of the politico-religious influence of the Meccan ḥaram, for tribes insisting on khafārah may have been attached to other religious centres. One need not of course assume that Hāshim actually founded this caravan system, for we have a Ḥimyarite inscription from Sha'ib Shisa' in Sa'ūdī Arabia which states that a certain Ḥārith led a caravan north and south, Yaman wa-Shām,[17] with a band from Ḥaḍramawt.

Although Muḥammad had established his own ḥaram at Medina, his spiritual authority in Arabian eyes, I would suggest, stemmed primarily from his belonging to the holy family of Mecca, a place to which his attachment is manifest through out the pages of the *Sīrah*. When he first stood before it *vi et armis*, then departed peacefully because his camel refused to enter it, he is reported to have said, "They will not ask me any matter (khuṭṭah) whereby they may magnify the sacred things of God (ḥurumāt Allāh) but I shall grant it them." When he actually entered Mecca by force, tradition records that he wore a black turban. My inference is that he did so because he felt the violation of the ḥaram was a shameful act, though of course justified in his case. Tradition further states that only for one hour was it made lawful for him to shed blood there, but that the game, the cutting of trees, and all the other things forbidden to people there, were not made lawful for him to do. With the two ḥarams in Muḥammad's hands, we have a coalescence of the two politico-religious nuclei around which the tribes are confederated, owing allegiance to Allāh. However as the expansion of al-Ḥaramān (al-

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Ḥaramain), the Two Ḥarams, does not occur in the Koran, this concept of a sort of unity between them may be subsequent to the Prophet's death.

After re-adjusting one's views on the ḥaram, I think that some of the problematic issues of early Islāmic history become a little clearer. When ʿAbdullāh ibn al-Zubair held the Ḥaramain, the Umaiyad Caliph ʿAbd al-Malik feared he would make the pilgrims perform allegiance to him there, and so he created a new ḥaram, or re-created an old one, at Jerusalem, al-Ḥaram al-Sharīf, saying that this rock shall be in place of the Kaʿbah — here again is a glimpse of litholatry. At this early period, the year 69 of the hijrah, I am of the opinion that Arabian concepts of religion were still dominant, and thus it may be that the tribes tended to consider themselves attached to a ḥaram rather than a dynasty, and just as Muḥammad had set up a new ḥaram at Medina, so in the early formative period of Islām it could have been in line with age-old Arab patterns to set up a new ḥaram to counter the politico-religious powerpull of the Arabian Ḥaramain.

In concluding I should like to suggest that the concept of a holy family at a ḥaram seems to have survived in Islām at many other times and places of the Muslim world apart: I mean from cases where the pattern occurs in the ordinary organisation of saint cults. In Morocco I learned quite recently that the town of Muley Idrīs where the founder of the dynasty was buried and where neither Jew nor Christian may spend the night is called a maḥram. Idrīs was proclaimed Imām in Morocco as early as the year 68 and he collected about him a group of tribes of which he was the focal point. Whether the term maḥram was applied to Walīlī, where he was buried, before or after his death I suppose nobody knows, but the few circumstances of his life that are related suggest that he acted in much the same way as his great ancestor Muḥammad in departing to Medina. In the latter half of the ʿAbbāsid era we find that the palace complex in Baghdad is called ḥarīm or ḥaramain though the reason for this never seems to have been explored. Even in Nigeria distant from the mediaeval Islāmic centres a curious use of maḥram survives perhaps by extension from the rights guaranteed to a sacred enclave for it means a document containing tax exemptions and exemption from military service for holy families claiming descent from Ḥasan son of ʿAlī.[18] Sharīfs are called Ḥabīb in these documents their title in Ḥaḍramawt to this day and curiously enough a title of Muḥammad's enemy Musailimah.

No doubt many more evidences of the survival of this important pattern of ḥaram and holy family are to be found in the classical period of Islām and it is a concept which in the shape of the ḥawṭah has lived into this century of ours. It is essential I believe to understand how it operates

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and to appreciate fully its importance in the rise and early development of Islām which in its initial Arabian form seems to me itself an outstanding example of an ever-recurring pattern; this pattern of religion at Mecca I hold to be the most important social circumstance into which Muḥammad the Prophet was born. Before looking for Jewish and Christian elements in Islām it would be wise to establish what is specifically Arabian and I think this will be found to be vastly greater than many western scholars have supposed.

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(1) *The Saiyids of Ḥaḍramawt*, (London, 1957). This is merely a sketch in outline from my materials.

(2) W. Thesiger, *Arabian Sands*, (London 1959), p. 97.

(3) Two Tribal Law Cases, *Journal of the Royal Asiatic Society*, (London, 1951), pp. 166-8.

(4) This is perhaps the basic reason underlying the recognition or at any rate, acceptance of the first two Caliphs by the Zaidīs. In Shi'ite eyes they could be no rival to those descended from the holy family whose claim to be the true successors of Muḥammad in the Imamate was clearly superior. 'Uthmān however, belonging to another branch of the holy house of Mecca, may conceivably have been quite a serious rival on the score of legitimacy alone, to the 'Alī-ids in the early period.

(5) This family in past times used to provide the hereditary naqībs of the Ḥaḍramī Saiyids, I knew Ḥabīb Aḥmad personally.

(6) The word is interesting; it may be linked to the sense of repentance as in *Kor.* VII, 148, but there are also other possibilities which need not detain us here.

(7) Accounts of Musail imah do vary of course, but this does not affect the argument here.

(8) For the problems involved, cf. J.M.B. Jones, The Chronology of Maghāzī, *B.S.O.A.S.*, (London, 1957), XIX, II, op. 245-80.

(9) N. Rhodokanakis, Studien zur Lexicographie ..., *Kais. Akad. Wiss.*, (Wien, 1915). CLXXVIII, IV, p. 59.

(10) I should prefer here to render this phrase as "according to their customs of protection" following the sense of rabī' in contemporary South Arabia.

(11) I am not entirely satisfied with the translation of Mu'min in early Islāmic contexts as "Believer", and am speculating as to whether its fundamental sense may indeed be to guarantee security. I must defer proposing any firm view however until I have examined the philological evidence fully, and also the passages where the word occurs in the Koran. Dr H.F. al-Hamdani has pointed out to me a relevant and most significant passage in his edition of al-Rāzī, *Kitāb al-Ẓīnah*, (Cairo, 1958), II, p. 71 "al-taṣdīq rāji' ilā ma'nā al-amān, believing goes back to the sense of security." This is discussed in some detail.

(12) The basic sense of Kāfir I should like to take with Lane, as to declare oneself free or quit of something. This is supported by *Kor.* XIV, 27. A passage in the *Tāj al-'Arūs* on a fight that broke out between the Aws and Khazraj seems to me to support the general theme of this article, and to some extent the sense of making themselves quit of the mawaddah and ulfah established between them by the Prophet. Mawaddah is a particularly interesting term, occurring in the pre-Islāmic inscriptions in a technical sense.

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(13) Cf. marji', etc. *supra*, p.44.

(14) These statutes seem to have included a prohibition on the carrying of arms or cutting of vegetation in the ḥaram.

(15) E. Gräf, *Das Rechtswesen der heutigen Beduinen*, (Bonn, n.d.), p. 191 citing 'Ārif al-'Ārif who gives ṣulḥ as the synonym of ṭibah.

(16) Published at Louvain, 1951 (2nd. edit.).

(17) In Ṣubaiḥī country, Shām, as I discovered recently, was used to indicate the Yemen, which lies just north of this area.

(18) H.R. Palmer, *Sudanese Memoirs*, (Lagos, 1928), III, unfortunately with no Arabic text and a rather dubious accuracy of translation.

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